

BILL LOCKYER, Attorney General
of the State of California
GLORIA L. CASTRO, State Bar No. 193304
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-6804
Facsimile: (213) 897-9395

Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

GREG SCOTT KNEPPER
Post Office Box 3682
Santa Barbara, California 93130,

Physical Therapist Assistant License
No. AT 4117,

Respondent.

Case No. 1D 2002 63115

OAH No. L2005060043

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties
to the above-entitled proceedings that the following matters are true:

PARTIES

1. Complainant Steven K. Hartzell, Executive Officer of the Physical
Therapy Board of California (Board) brought the Accusation in this matter solely in his
official capacity. He is represented in this matter by Bill Lockyer, Attorney General of the
State of California, by Gloria L. Castro, Deputy Attorney General.

2. Respondent Greg Scott Knepper (Respondent) is represented in this
proceeding by attorney Peter G. Bertling, Esq., whose address is 15 West Carrillo Street
Suite 100, Santa Barbara, California 93101.

3. On or about January 11, 1996, the Board issued Physical Therapist
Assistant License No. AT 4117 to Respondent Greg Scott Knepper. This license was in

///

1 full force and effect at all times relevant to the charges brought herein and will expire on
2 December 31, 2005, unless renewed.

3 JURISDICTION

4 4. Accusation No. 1D 2002 63115 was filed before the Physical
5 Therapy Board of California and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on May
7 16, 2005. Respondent timely filed his Notice of Defense contesting the Accusation. A
8 copy of Accusation No. 1D 2002 63115 is attached as exhibit A and incorporated herein by
9 reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, fully discussed with counsel, and
12 understands the charges and allegations in Accusation No. 1D 2002 63115. Respondent
13 has also carefully read, fully discussed with counsel, and understands the effects of this
14 Stipulated Settlement and Disciplinary Order.

15 6. Respondent is fully aware of his legal rights in this matter, including
16 his right to a hearing on the charges and allegations in the Accusation; his right to be
17 represented by counsel at his own expense; his right to confront and cross-examine the
18 witnesses against him; his right to present evidence and to testify on his own behalf; his
19 right to the issuance of subpoenas to compel the attendance of witnesses and the production
20 of documents; his right to reconsideration and court review of an adverse decision; and all
21 other rights accorded to him by the California Administrative Procedure Act and other
22 applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and
24 gives up each and every right set forth above.

25 CULPABILITY

26 8. Respondent admits the truth of each and every charge and allegation
27 in Accusation No. 1D 2002 63115.

28 ///

9. Respondent agrees that his Physical Therapist Assistant License is subject to discipline and he agrees to be bound by the Physical Therapy Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Physical Therapy Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Physical Therapy Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physical Therapist License No. AT 4117 issued to Respondent Greg Scott Knepper is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. NOTIFICATION TO SUPERVISORS The Respondent shall provide any Physical Therapist who supervises physical therapy care provided by the

Respondent with a copy of the Decision in this matter. Such notification shall occur no later than the effective date of the Decision. Respondent shall submit, upon request of the Board or its designee, satisfactory evidence of compliance with this term of probation.

2. RESTRICTION OF LOCATION OF PRACTICE Respondent shall only practice as a physical therapist assistant at the following three facilities: (1) Valle Verde, 900 Calle De Los Amigos, Santa Barbara, California; (2) Senior Living Concepts, 3880 Via Lucero, Santa Barbara, California; and (3) Samarkand, 2550 Treasure Drive, Santa Barbara, California, unless additional facilities are approved by the Board, through the assigned probation monitor in writing. In no event shall Respondent provide physical therapy care at any additional facility or location without first obtaining advance written approval through the assigned probation monitor.

3. NOTIFICATION TO REHABILITATION DIRECTORS The Respondent shall provide the Rehabilitation Directors of any facilities which are approved by the means outlined above with a copy of the Decision in this matter. Such notification shall occur no later than the effective date of the Decision or prior to commencing any physical therapy services at any additional facilities. Respondent shall submit, upon request of the Board or its designee, satisfactory evidence of compliance with this term of probation.

4. RESTRICTION OF PRACTICE - ADMINISTRATION OR POSSESSION OF CONTROLLED SUBSTANCES Respondent shall not administer, possess, or use any controlled substances as defined in the California Uniform Controlled Substances Act. This prohibition does not apply to topical medications prescribed to a patient in Respondent's care by a practitioner licensed to prescribe such medications. This prohibition also does not apply to medications lawfully prescribed to Respondent for a bona fide illness or condition by a practitioner licensed to prescribe such medications.

5. PROHIBITION OF THE USE OF ALCOHOL Respondent shall abstain completely from the use of alcoholic beverages.

///

1 6. BIOLOGICAL FLUID TESTING Respondent shall immediately
2 submit to biological fluid testing, at Respondent's cost, upon the request of the Board or its
3 designee.

4 7. DIVERSION PROGRAM Within 15 days from the effective date
5 of this decision, Respondent shall enroll and participate in the Board's Diversion Program
6 at his own cost until the Board determines that participation in the Diversion Program is no
7 longer necessary. Failure to comply with requirements of the Diversion Program,
8 terminating the program without permission or being expelled for cause shall constitute a
9 violation of probation by Respondent. If, prior to the end of the five-year probation period,
10 the Board determines that Respondent's participation in the Diversion Program is no longer
11 necessary, Respondent shall have the right to file a petition for modification of the five-year
12 probation term with the Board any time after one (1) year of the effective date of the
13 Decision.

14 8. PROBATION MONITORING COSTS All costs incurred by the
15 Board for probation monitoring during the entire period of probation shall be reimbursed by
16 Respondent. Respondent will be billed at least quarterly. Failure to make the ordered
17 reimbursement within 60 days of the billing shall constitute a violation of the probation
18 order. In addition to the filing of an Accusation or the issuance of an administrative
19 citation, the filing of criminal charges shall be sought when appropriate.

20 9. COST RECOVERY Respondent is ordered to reimburse the Board
21 the actual and reasonable prosecutorial costs in the amount of \$9,325.25. Said costs shall
22 be reduced, however, and the remainder forgiven, if Respondent pays \$1,500.00 within
23 ninety (90) days of the effective date of this Decision. In the event Respondent fails to pay
24 within ninety (90) days of the effective date of the decision, the full amount of costs shall
25 be immediately due and payable. The Board has relied on the representations of
26 Respondent that he cannot pay more than \$1,500.00 within ninety (90) days of the effective
27 date of this Decision without causing him substantial hardship.

28 ///

1 Failure to pay the ordered reimbursement, or any agreed upon payment, may
2 constitute a violation of the probation order. The filing of bankruptcy by Respondent shall
3 not relieve Respondent of his responsibility to reimburse the Board. If Respondent is in
4 default of his responsibility to reimburse the Board, the Board will collect cost recovery
5 from the Franchise Tax Board, the Internal Revenue Service or by any other means of
6 attachment of earned wages legally available to the Board. Failure to fulfill the obligation
7 could also result in attachment to Department of Motor Vehicle registrations and or license
8 renewals.

9 10. OBEY ALL LAWS Respondent shall obey all federal, state and
10 local laws, and statutes and regulations governing the practice of physical therapy in
11 California.

12 11. COMPLIANCE WITH ORDERS OF A COURT The Respondent
13 shall be in compliance with any valid order of a court. Being found in contempt of any
14 court may constitute a violation of probation.

15 12. COMPLIANCE WITH CRIMINAL PROBATION AND
16 PAYMENT OF RESTITUTION Respondent must not violate any terms and conditions of
17 criminal probation and must be in compliance with any restitution ordered.

18 13. QUARTERLY REPORTS Respondent shall submit quarterly
19 declarations under penalty of perjury on forms provided by the Board, stating whether there
20 has been compliance with all the conditions of probation.

21 14. PROBATION MONITORING PROGRAM COMPLIANCE
22 Respondent shall comply with the Board's probation monitoring program.

23 15. INTERVIEW WITH THE BOARD OR ITS DESIGNEE
24 Respondent shall appear in person for interviews with the Board, or its designee, upon
25 request at various intervals and with reasonable notice.

26 16. NOTIFICATION OF PROBATIONAL STATUS TO EMPLOYERS
27 Respondent shall notify all present or future employers of the reason for and the terms and
28 conditions of the probation by providing a copy of the Accusation and the Decision to the

1 employer. The Respondent shall obtain written confirmation from the employer that the
2 documents were received, and shall make such available to the Board of its designee. If the
3 Respondent changes employment or obtains additional employment, the Respondent shall
4 provide the above notification to the employer and submit written employer confirmation to
5 the Board within 10 days. The notification(s) shall include the name, address and phone
6 number of the employer, and, if different, the name, address and phone number of the work
7 location.

8 17. NOTIFICATION OF CHANGE OF NAME OR ADDRESS

9 Respondent shall notify the Board, in writing, of any and all changes of name, address
10 and/or telephone number within ten (10) days.

11 18. TOLLING OF PROBATION The period of probation shall run only

12 during the time Respondent is practicing within the jurisdiction of California. If, during
13 probation, Respondent does not practice within the jurisdiction of California, Respondent is
14 required to immediately notify the probation monitor in writing of the date that
15 Respondent's practice is out of state, and the date of return, if any. Practice by the
16 Respondent in California prior to notification to the Board of the Respondent's return will
17 not be credited toward completion of probation. Any order for payment of cost recovery
18 shall remain in effect whether or not probation is tolled.

19 19. VIOLATION OF PROBATION If Respondent violates probation in

20 any respect, the Board, after giving Respondent notice and the opportunity to be heard, may
21 revoke probation and carry out the disciplinary order that was stayed. If an accusation or
22 petition to revoke probation is filed against Respondent during probation, the Board shall
23 have continuing jurisdiction until the matter is final, and the period of probation shall be
24 extended until the matter is final.

25 20. CESSATION OF PRACTICE DUE TO RETIREMENT, HEALTH
26 OR OTHER REASONS Following the effective date of this probation, if Respondent

27 ceases practicing as a physical therapy assistant due to retirement, health or other reasons,
28 Respondent may request to surrender his license to the Board. The Board reserves the right

to evaluate the Respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, the terms and conditions of probation shall be tolled until such time as the license is no longer renewable, the Respondent makes application for the renewal of the tendered license or makes application for a new license.

21. COMPLETION OF PROBATION Upon successful completion of probation, Respondent's license shall be fully restored.

22. WRITTEN EXAMINATION ON THE LAWS & REGULATIONS GOVERNING THE PRACTICE OF PHYSICAL THERAPY Within 90 days of the effective date of this decision, Respondent shall take and pass the Board's written examination on the laws and regulations governing the practice of physical therapy in California. If Respondent fails to pass the examination, Respondent shall be suspended from the practice of physical therapy until a repeat examination has been successfully passed.

23. PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY
WHILE ON PROBATION It is not contrary to the public interest for the Respondent to practice/perform physical therapy under the probationary conditions specified in the disciplinary order.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Peter G. Bertling, Esq. I understand the stipulation and the effect it will have on my Physical Therapy Assistant License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Physical Therapy Board of California.

DATED: October 18, 2005 .

Original Signed By: GREG SCOTT KNEPPER, Respondent

1 I have read and fully discussed with Respondent Greg Scott Knepper the
2 terms and conditions and other matters contained in the above Stipulated Settlement and
3 Disciplinary Order. I approve its form and content.

4 DATED: October 18, 2005.

5 Original Signed By:
6 PETER G. BERTLING, ESQ.
Attorney for Respondent

7 ENDORSEMENT

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
9 submitted for consideration by the Physical Therapy Board of California of the Department of
10 Consumer Affairs.

11 DATED: October 19, 2005.

12 BILL LOCKYER, Attorney General
13 of the State of California

14 Original Signed By:
15 GLORIA L. CASTRO, Deputy Attorney General
16 Attorneys for Complainant
17 Steven K. Hartzell, Executive Officer
Physical Therapy Board of California

Exhibit A

Accusation No. 1D 2002 63115

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

GREG SCOTT KNEPPER
Post Office Box 3682
Santa Barbara, California 93130

Physical Therapy Assistant License No. AT
4117,

Respondent.

Case No. 1D 2002 63115

OAH No. L2005060043

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on January 6, 2006.

It is so ORDERED December 7, 2005.

Original Signed By:
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
Donald A. Chu, PhD, PT, President